

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

**IN RE: BROILER CHICKEN GROWER
ANTITRUST LITIGATION (NO. II)**

CASE MANAGEMENT ORDER

(MDL Pretrial Order No. 3)

Chief Judge Robert J. Shelby

Magistrate Judge Cecilia M. Romero

Case No. 6:20-MD-02977-RJS-CMR

To be entered additionally in member cases:

6:17-CV-00033-RJS-CMR

6:20-CV-00478-RJS-CMR

6:20-CV-00480-RJS-CMR

6:20-CV-00479-RJS-CMR

6:21-CV-00033-RJS-CMR

1. MDL Administrative Deadlines

DATE	EVENT
2/5/2021	Parties submit Status Report ¹
2/19/2021	Deadline for Plaintiffs' Consolidated Complaint ²
3/31/2021	Deadline for answering Plaintiffs' Consolidated Complaint ³

2. Discovery Deadlines for New Defendants and New Plaintiffs

¹ Parties will submit Supplemental Status Reports every 90 days.

² As this Court decided in 2018, Sanderson and Koch Defendants are not subject to personal jurisdiction in the Eastern District of Oklahoma. Sanderson, Koch, and Plaintiffs agree that (i) the filing of a consolidated complaint for purposes of combining all allegations relating to all Named Plaintiffs and all Defendants into one document; and (ii) the filing of an answer to that complaint does not subject Sanderson and Koch to personal jurisdiction in the Eastern District of Oklahoma.

³ Plaintiffs intend to file an Amended Complaint that is substantially similar to the prior complaints. All Defendants have agreed that if the Amended Complaint is substantially similar to the prior complaints, then they will answer the complaint by this date. Defendants reserve the right to move to dismiss the Amended Complaint if it is not substantially similar to prior complaints.

DATE FOR KOCH/SANDERSON	EVENT
2/15/2021	Defendants to complete disclosures regarding possible Non-Custodial Document Sources and Data Samples
2/26/2021	Parties Exchange Initial Disclosures
3/1/2021	Parties to Submit Joint Letter to Court Regarding any Areas of Dispute Re: New Defendant Custodians, Non-Custodial Document Sources, Search Methodologies, Requests for Production, and Structured Data ⁴
5/3/2021	Assuming agreement on scope of transaction data by 3/15/2021: Deadline for Sanderson Completion of Document Production of Structured Data in Response to Requests for Production Served on or Before 1/1/2021
5/17/2021	Assuming agreement on scope of transaction data by 3/15/2021: Deadline for Koch Completion of Document Production of Structured Data in Response to Requests for Production Served on or Before 1/1/2021 from 50% of its Complexes
5/17/2021	Assuming agreement on sources, search terms, and requests for production by 3/15/2021: Deadline to Begin Rolling Production of Documents ⁵
6/1/2021	For RFPs served on New Plaintiffs by 2/26/2021, and assuming agreement on sources, search terms, and requests for production by 4/1/2021, Deadline to Begin Rolling Production of Documents
6/15/2021	Assuming agreement on scope of transaction data by 3/15/2021: Deadline for Koch Completion of Document Production of Structured Data in Response to Requests for Production Served on or Before 1/1/2021 from remaining 50% of its Complexes
8/2/2021	Deadline for Completion of Document Production in Response to Requests for Production Served on or Before 1/1/2021
8/2/2021	Deadline for New Plaintiff Completion of Document Production in Response to Requests for Production Served on or before 2/26/2021

3. Revised Case Deadlines

DATE IN CMO 1	REVISED DATE CMO 2	EVENT
1/21/2021	7/15/2021	Deadline to amend pleadings without further leave of Court

⁴ Copies of all Reports/Letters contemplated by this Order must be provided both to the assigned District Judge and Magistrate Judge.

⁵ Privilege Logs must be provided within 60 days of each production of documents.

9/24/2021	2/1/2022	Close of Fact Discovery ⁶
11/19/2021	2/17/2022	Deadline to Serve Expert Reports on all Issues on which a Party has the Burden of Proof
1/28/2022	4/28/2022	Deadline to Serve Opposing Expert Reports
3/11/2022	6/9/2022	Deadline to Serve Rebuttal Expert Reports
5/6/2022	8/4/2022	Deadline for Completion of Expert Discovery ⁷
6/17/2022	9/15/2022	Deadline to File Class Certification Motions
6/17/2022	9/15/2022	Deadline to File <i>Daubert</i> Motions
7/29/2022	10/27/2022	Deadline to File Opposition Memoranda to Class Certification and <i>Daubert</i> Motions
9/2/2022	12/1/2022	Deadline to File Reply Memoranda in Support of <i>Daubert</i> Motions
9/9/2022	12/8/2022	Deadline to File Reply Memoranda in Support of Class Certification
10/14/2022	2/1/2023	Deadline to File Motions for Summary Judgment
12/2/2022	3/22/2023	Deadline to File Oppositions to Motions for Summary Judgment
12/23/2022	4/12/2023	Deadline to File Reply Memoranda in Support of Summary Judgment

Discovery Limitations:

1. **General:** The Parties agree that for purposes of these discovery limitations, each Defendant family shall be considered a single “party.” To illustrate, the four Tyson defendants—Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Breeders, Inc., and Tyson Poultry, Inc.—shall be considered together such that Tyson is subject to no more than 25 interrogatories as set forth below.

⁶ All Interrogatories and Requests for Admission must be served at least 45 days before the close of fact discovery.

⁷ Absent agreement of the Parties, each expert is subject to a maximum of one deposition lasting no more than seven hours, assuming no additional report submitted beyond opening, opposing and rebuttal report.

2. **Interrogatories:** Each side may propound up to 75 interrogatories under Fed. R. Civ. P. 33. The Parties further agree that no party shall be subject to more than 25 interrogatories including subparts.

3. **Depositions:**

- a. Each side shall be limited to 415 hours of party depositions and 550 hours of total deposition time for both party and non-party depositions. No party may be subject to more than 13 depositions, including 30(b)(1) and 30(b)(6) depositions. Further, each party shall be subject to no more than 14 hours of Fed. R. Civ. P. 30(b)(6) deposition testimony. These limits do not include depositions of expert witnesses disclosed under Fed. R. Civ. P. 26(a)(2).
- b. Absent agreement or leave of Court, no witness shall be deposed for more than one day of seven (7) hours. For purposes of deposition limits, each seven (7) hours of a Fed. R. Civ. P. 30(b)(6) deposition shall count as a single deposition, regardless of the number of witnesses designated to testify.

Excluded from any deposition limits are depositions of non-previously-deposed witnesses who appear on an opposing party's final pre-trial witness list, unless such witnesses were (i) discovery custodians, or (ii) previously identified in initial disclosures or supplements thereto, served at least sixty days prior to the conclusion of fact discovery.

In addition, for each named Plaintiff added in an amended pleading, Defendants shall receive an additional seven (7) hours of deposition time if the Plaintiff is a natural person or 14 hours of deposition time if not, provided that such time is used only to depose the newly-added Plaintiff(s). If, prior to being deposed, a named Plaintiff is withdrawn and substituted for another named Plaintiff, Defendants shall not receive the additional hours of deposition time described above. If the withdrawn Plaintiff was previously deposed, the Defendants shall receive the additional hours of deposition time described above for each substitute named Plaintiff.

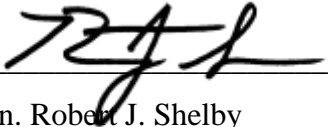
4. **Requests for Production:** The Parties agree that each side shall endeavor to propound no more than two sets of requests for production.⁸

⁸ All Requests for Production must be served at least 90 days before the close of Fact Discovery.

5. **Requests for Admission:** The Parties agree that each side may serve up to 80 requests for admission under Fed. R. Civ. P. 36.

IT IS SO ORDERED.

Date: February 12, 2021



Hon. Robert J. Shelby
Chief United States District Judge